

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 54a of this title.

**§ 54a. Certain Federal and State regulations deemed statutory authority**

A regulation, standard, or requirement in force, or prescribed by the Secretary of Transportation under chapter 201 of title 49 or by a State agency that is participating in investigative and surveillance activities under section 20105 of title 49, is deemed to be a statute under sections 53 and 54 of this title.

(Apr. 22, 1908, ch. 149, § 4A, as added July 5, 1994, Pub. L. 103-272, § 4(i), 108 Stat. 1365.)

**§ 55. Contract, rule, regulation, or device exempting from liability; set-off**

Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this chapter, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this chapter, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

(Apr. 22, 1908, ch. 149, § 5, 35 Stat. 66.)

**§ 56. Actions; limitation; concurrent jurisdiction of courts**

No action shall be maintained under this chapter unless commenced within three years from the day the cause of action accrued.

Under this chapter an action may be brought in a district court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several States.

(Apr. 22, 1908, ch. 149, § 6, 35 Stat. 66; Apr. 5, 1910, ch. 143, § 1, 36 Stat. 291; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Aug. 11, 1939, ch. 685, § 2, 53 Stat. 1404; June 25, 1948, ch. 646, § 18, 62 Stat. 989.)

## CODIFICATION

The first par. of this section is from act Apr. 22, 1908.  
The second par. of this section is from act Apr. 5, 1910.

## AMENDMENTS

1948—Act June 25, 1948, struck out provision in last sentence relating to removal of actions.

1939—Act Aug. 11, 1939, changed limitation in first sentence from two to three years.

## CHANGE OF NAME

“District court” substituted in text for “circuit court” to conform to act Mar. 3, 1911, which transferred powers and duties of circuit courts to district courts.

## EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

## CROSS REFERENCES

Actions in State courts not removable to federal courts, see section 1445 of Title 28, Judiciary and Judicial Procedure.

Venue of district court—

Generally, see section 1391 et seq. of Title 28.

Change of venue, see section 1404 of Title 28.

**§ 57. Who included in term “common carrier”**

The term “common carrier” as used in this chapter shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

(Apr. 22, 1908, ch. 149, § 7, 35 Stat. 66.)

**§ 58. Duty or liability of common carriers and rights of employees under other acts not impaired**

Nothing in this chapter shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress.

(Apr. 22, 1908, ch. 149, § 8, 35 Stat. 66.)

**§ 59. Survival of right of action of person injured**

Any right of action given by this chapter to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

(Apr. 22, 1908, ch. 149, § 9, as added Apr. 5, 1910, ch. 143, § 2, 36 Stat. 291.)

**§ 60. Penalty for suppression of voluntary information incident to accidents; separability**

Any contract, rule, regulation, or device whatsoever, the purpose, intent, or effect of which shall be to prevent employees of any common carrier from furnishing voluntarily information to a person in interest as to the facts incident to the injury or death of any employee, shall be void, and whoever, by threat, intimidation, order, rule, contract, regulation, or device whatsoever, shall attempt to prevent any person from furnishing voluntarily such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily such information to a person in interest, shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment, for each offense: *Provided*, That nothing herein contained shall be construed to void any contract, rule, or regulation with respect to any information contained in the files of the carrier, or other privileged or confidential reports.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons and circumstances shall not be affected thereby.

(Apr. 22, 1908, ch. 149, § 10, as added Aug. 11, 1939, ch. 685, § 3, 53 Stat. 1404.)

### CHAPTER 3—HOURS OF SERVICE OF EMPLOYEES

Sec.

61 to 64b. Repealed.

65. Establishment of eight hour day.

66. Penalty for violation.

#### §§ 61 to 64b. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 61, acts Mar. 4, 1907, ch. 2939, § 1, 34 Stat. 1415; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 463; July 8, 1976, Pub. L. 94–348, § 4(c), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95–574, §§ 5, 6, 92 Stat. 2461; June 22, 1988, Pub. L. 100–342, § 16(1), 102 Stat. 634, provided that this chapter applied to any railroad and defined “railroad”, “employee”, “time on duty”, and “designated terminal” for purposes of this chapter. See sections 20102, 21101, and 21103 of Title 49, Transportation.

Section 62, acts Mar. 4, 1907, ch. 2939, § 2, 34 Stat. 1416; Oct. 15, 1966, Pub. L. 89–670, § 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 463; July 8, 1976, Pub. L. 94–348, § 4(a), (b), 90 Stat. 818; June 22, 1988, Pub. L. 100–342, §§ 16(2), 19(b)(1), 102 Stat. 634, 638, related to limitations on employees’ hours of service, determination of number of hours an employee is on duty, additional duty for crew of wreck or relief trains during emergencies, and inapplicability of this section when provisions of section 63 of this title applied, and defined “employees” for purpose of subsec. (a)(3) of this section. See sections 21103, 21105, and 21106 of Title 49.

Section 63, acts Mar. 4, 1907, ch. 2939, § 3, 34 Stat. 1416; May 4, 1916, ch. 109, § 1, 39 Stat. 61; Aug. 14, 1957, Pub. L. 85–135, § 2, 71 Stat. 352; Oct. 15, 1966, Pub. L. 89–670, § 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; June 22, 1988, Pub. L. 100–342, § 16(3), 102 Stat. 635, related to dispatchers’ hours of service. See section 21105 of Title 49.

Section 63a, acts Mar. 4, 1907, ch. 2939, § 3A, as added July 8, 1976, Pub. L. 94–348, § 4(d), 90 Stat. 819; amended Nov. 2, 1978, Pub. L. 95–574, § 4(a), (b), 92 Stat. 2459, 2460; June 22, 1988, Pub. L. 100–342, § 16(4), 102 Stat. 635, related to signal system employees’ hours of service. See sections 21102, 21104 to 21107, and 21303 of Title 49.

Section 64, acts Mar. 4, 1907, ch. 2939, § 4, 34 Stat. 1417; Oct. 15, 1966, Pub. L. 89–670, § 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; June 22, 1988, Pub. L. 100–342, § 16(5), 102 Stat. 635, provided that time on duty requirements of this chapter were maximum permissible hours of service, but shorter periods were proper subjects for collective bargaining. See section 21107 of Title 49.

Section 64a, acts Mar. 4, 1907, ch. 2939, § 5, 34 Stat. 1417; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; July 8, 1976, Pub. L. 94–348, § 4(e), 90 Stat. 819; Oct. 10, 1980, Pub. L. 96–423, § 12, 94 Stat. 1816; June 22, 1988, Pub. L. 100–342, § 16(6), 102 Stat. 635; Sept. 3, 1992, Pub. L. 102–365, §§ 4(a)(2), (c)(2), 9(a)(2), 106 Stat. 973, 974, 977, related to manner of enforcing this chapter concerning hours of service of employees. See sections 21102, 21303, and 21304 of Title 49.

Section 64b, act Mar. 4, 1907, ch. 2939, § 6, as added Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 465, provided that Secretary of Transportation was to have duty to carry out provisions of this chapter.

#### SHORT TITLE

Act Mar. 4, 1907, ch. 2939, 34 Stat. 1415, which enacted this chapter and which was repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, was popularly known as the “Hours of Service Act”.

#### § 65. Establishment of eight hour day

Eight hours shall, in contracts for labor and service, be deemed a day’s work and the measure or standard of a day’s work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be em-

ployed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of subtitle IV of title 49, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads, or between railroads and industrial plants.

(Sept. 3, 5, 1916, ch. 436, § 1, 39 Stat. 721.)

#### CODIFICATION

“Subtitle IV of title 49” substituted in text for “the Act of February fourth, eighteen hundred and eighty-seven, entitled ‘An Act to regulate commerce,’ as amended [49 U.S.C. 1 et seq.]” on authority of Pub. L. 95–473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV of Title 49, Transportation.

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which formerly comprised this chapter.

#### SHORT TITLE

Act Sept. 3, 5, 1916, ch. 436, 39 Stat. 721, which enacted this section and section 66 of this title, is popularly known as the “Adamson Law”.

#### DATE OF APPROVAL

Act Sept. 3, 5, 1916, was approved on Sept. 3 and again on Sept. 5, because Sept. 3 was Sunday, and some doubt existed as to the validity of an act approved on that day.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 66 of this title.

#### § 66. Penalty for violation

Any person violating any provision of section 65 of this title shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

(Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.)

#### CODIFICATION

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which formerly comprised this chapter.